UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,376	09/25/2003	William Vroman	PL002-0001	2375

59769   7590   11/28/2007
UTSTARCOM, INC.
3800 GOLF ROAD
SUITE 220
ROLLING MEADOWS, IL 60008

EXAMINER
AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
11/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td></tr>
<tr><td>10/605,376</td><td>VROMAN ET AL.</td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td></tr>
<tr><td></td><td>Charlie C. Agwumezie</td><td>3621</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>44-61</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>44-61</u> is/are rejected.

7)☒ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>9/25/03; 01/23/04.</u>

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Acknowledgements

1.   Applicants' amendment filed on September 13, 2007 is acknowledged.

Accordingly claims 1-43 are canceled and claims 44-61 are newly added and remain

pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 44-60, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Walker et al U.S. Patent Application Publication 2004/0054930 A1 or 2007/0094710 A1

in view of Lao et al U.S. Patent Application Publication No. 2006/0012683 A9.

As per **claims 44 and 48**, Walker et al discloses a feature rights management

system for a telecommunications network that relies on feature keys requested by

hardware, said feature rights management system comprising:

a feature rights server (Feature Activation system 108; fig. 1) having a repository

for storing feature keys (license database 156; fig. 1), the feature keys containing at

least activation rights for telecommunications features (telecommunication application,

fig. 1), telecommunications feature units and destination Ids (fig. 1; telecommunication

application or components; 0009; which discloses that the license file contains a serial number that must be present on the hardware);

a plurality of application sub-agents (Telecommunication Applications 124; fig. 1), each application sub-agent operating over the telecommunications network to perform telecommunications functions enabled by feature rights, wherein each application sub-agent is capable of being provisioned by a telecommunications network operator (service personnel 0074; which discloses that the personnel can turn additional features on or off), and, upon provisioning by the telecommunications network operator, the application sub-agent pulls needed permissions from a feature rights management agent and pushes un-needed permissions back to the feature rights management agent (0048; which discloses that control processor 120 executes telecommunication application 124 ... to perform the telecommunication functions and features; 0071 which discloses that license file is uploaded onto communication link 116 and transmitted to the switch/server 100...the license manager replaces the existing license...);

a feature rights management agent (license manager 132 fig. 1) having a its own agent ID and operatively coupled to the feature rights server to receive feature keys from the feature rights server, to positively compare the destination IDs in received keys to its own agent ID and thereby store the activation rights and units of telecommunications features in a repository and for receiving un-needed permissions pushed from application sub-agents and thereby placing them in the repository and for receiving pull permission requests from application sub-agents, considering whether the repository has available rights and thereby delivering consenting permissions requests

to the pulling application sub-agents (0052 which discloses that the license manager

132 reads license file 144, compares the serial numbers(s) in the license file 144 with a

serial number in the switch hardware... delivers permission to run the

telecommunication application 124); and

a common bus for connecting together agents including the plurality of

application sub- agents and the feature rights management agent (see fig. 1; inherent

feature: switch/server or general purpose computer have common bus for connecting

together application cards).

What Walker et al does not explicitly disclose is pushes un-needed permissions

back to the feature rights management agent. Walker however discloses that the

service personnel does provision the application cards and that the personnel can turn

additional features on or off. That the values and settings of the license file 144 at the

switch/server will be the same as the recorded values and settings for the license file in

the database 156 recorded at the RFA system 108.

Lao et al discloses pushes un-needed permissions back to the feature rights

management agent (see claim 22 which discloses that returning previously assigned but

unused software licenses to said pool of available licenses).

Accordingly, it would have been obvious to one of ordinary skill in the art at time

of applicant's invention to modify the method of Walker et al and incorporate a feature

rights sub-agent that pushes un-needed permissions back to the feature rights

management agent in view of Lao et al because when the service personnel make the

changes to the license file, a corresponding change is recorded with the license

database and the released feature licenses are not retained by the sub-agent and may

be used for the activation of other features desiring activation of its features.

As per **claims 45 and 50**, Walker et al further discloses a feature rights

management system, wherein operator intervention is effected over a protocol or

command line interface to provision the plurality of application sub-agents (see fig. 1;

user #1 SAT screen or User #2; browser; 0074; which discloses personnel access the

licensing database via GUI 106).

As per **claims 46 and 49**, Walker et al further discloses a feature rights

management system, wherein the agent ID corresponds to a serial number of a feature

rights management agent (0052 which discloses that the license manager 132 reads

license file 144, compares the serial numbers(s) in the license file 144 with a serial

number in the switch hardware...).

As per **claim 47**, Walker et al further discloses a feature rights management

system, wherein each of the plurality of application sub-agents comprise an application

card operatively disposed in a plurality of slots of at least one chassis, each application

card operatively coupled to the feature rights management agent over the common bus

on a chassis backplane to pull needed permissions and push un-needed permissions

from the feature rights management agent (see fig. 1; switch/server; 0052 which

discloses deliver permission to run the telecommunication application 124).

As per **claim 51**, Walker et al further discloses a feature rights management system, further comprising a feature rights server (fig. 1; Feature Activation system 108) having a repository for storing the feature keys for the telecommunications features (license database 158) and for transferring feature rights between the feature rights management agents (license manager 132) and the server in the form of the feature keys (fig. 1; Feature Activation system 108; 0052 which discloses that the license manager delivers the permission to run the telecommunication application 124).

As per **claim 52**, Walker et al further discloses a feature rights management system,

wherein a connection between the feature rights management agents and the feature rights server uses feature keys because it is un-trusted (fig. 1; communication across public network 112; 0047 which discloses telecommunication switch/server 100 is interconnected to public telephone network 112 thus un-trusted); and

wherein a connection between the plurality of application sub-agents (Tel. App. 124) and a corresponding feature rights management agent (License manager 132) uses permissions, and not keys having destination IDs, because it is trusted (fig. 1; both reside inside the same switch/server there communication presumed trusted)

As per **claim 53**; Walker et al further discloses a feature rights management system,

wherein the feature rights management system further comprises a chassis

comprising a plurality of card slots (fig. 1; inherent feature of switch/server); and

wherein the plurality of application sub-agents are cards disposed in the card

slots and connected to a common backplane bus (fig. 1; inherent feature of

switch/server).

As per **claim 54**, Walker et al further discloses a feature rights management

system, wherein the feature rights management agent comprises a system manager

card operatively disposed in a slot of a chassis (fig. 1; inherent feature of switch/server

here named license manager).

As per **claim 55**, Walker et al further discloses a feature rights management

system, wherein each of the plurality of application sub-agents comprise an application

card operatively disposed in a plurality of slots of at least one chassis, each application

card operatively coupled to the feature rights management agent over the common bus

on a chassis backplane to pull needed permissions and push un-needed permissions

from the feature rights management agent (fig. 1; switch/server).

What Walker et al failed to explicitly disclose is push un-needed permissions from

the feature rights management agent

Lao discloses push un-needed permissions from the feature rights management

agent (see claim 22).

Accordingly, it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a feature rights sub-agent that pushes un-needed permissions back to the feature rights management agent in view of Lao et al because when the service personnel make the changes to the license file, a corresponding change is recorded with the license database and the released feature licenses are not retained by the sub-agent and may be used for the activation of other features desiring activation of its features.

As per **claim 56**, Walker et al further discloses a feature rights management system, wherein the feature keys are of at least two kinds of keys: network keys destined to the feature rights server and element keys destined for the feature rights management agent (keys from Remote feature Activation system to telecommunication switch/server see fig. 1) but does not disclose network keys destined to the feature rights server.

Lao et al discloses network keys destined to the feature rights server (see claim 22 which discloses that returning previously assigned but unused software licenses to said pool of available licenses).

Accordingly, it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a feature rights sub-agent that pushes un-needed permissions back to the feature rights management agent in view of the teachings of Lao et al because when the service personnel make the changes to the license file, a corresponding change is recorded

with the license database and the released feature licenses are not retained by the sub-agent and may be used for the activation of other features desiring activation of its features.

As per **claim 57**, Walker et al further discloses a feature rights management system, wherein the feature rights management agent (license manager 132) requests keys for features from the feature rights server when the number of unallocated feature units is deficient to satisfy a pull for permissions by an application sub-agent (0052; delivers permission to the telecommunication Application 124).

As per **claim 58**, Walker et al failed to explicitly disclose a feature rights management apparatus, wherein the feature rights management agent releases feature keys from a feature rights management agent and moves feature rights keys to the feature rights server.

Lao et al discloses a feature rights management apparatus according to claim 51, wherein the feature rights management agent releases feature keys from a feature rights management agent and moves feature rights keys to the feature rights server (see claim 22 which discloses that returning previously assigned but unused software licenses to said pool of available licenses).

Accordingly, it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a feature rights management apparatus according to claim 51, wherein the feature rights

management agent releases feature keys from a feature rights management agent and moves feature rights keys to the feature rights server in view of the teachings of Lao et al because when the service personnel make the changes to the license file, a corresponding change is recorded with the license database and the released feature licenses are not retained by the sub-agent and may be used for the activation of other features desiring activation of its features.

As per **claim 59**, Walker et al further discloses a feature rights management apparatus, wherein each feature unit designates how many instances of a feature category is permitted within a domain of a distribution node identified by the destination ID (see fig. 3 and 4; 0010; which discloses maximum number of concurrently registered IP stations, administered IP trunks...).

As per **claim 60**, Walker et al further discloses a feature rights management apparatus, wherein the telecommunications feature units of the feature keys comprise data designating a maximum number of simultaneous telephone calls that are permitted to use a given feature (0100; DCS call coverage; capacity setting for various telecommunication application; 0058 which discloses maximum number of mobile stations).

3.   **Claim 61,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al U.S. Patent Application Publication 2004/0044630 A1 and Lao et al U.S.

Patent Application Publication No. 2006/0012683 A9 as applied to claim 48 above, and further in view of Salkini et al U.S. Patent No. 6,912,230.

As per **claim 61**, both Walker et al and Lao et al failed to explicitly disclose a feature rights management apparatus, wherein an activation right for a telecommunications feature of the feature keys comprises a prepaid billing feature in a telecommunications network.

Salkini et al discloses a feature rights management system, wherein the features comprises prepaid billing (see fig. 85; col. 10, lines 1-10; col. 2, lines 30-40).

Accordingly, it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Walker et al and incorporate a feature rights management system, wherein the features comprises prepaid billing as taught by Salkini et al in order to show one example of telecommunication services that could be offered by the system.

Response to Arguments

4.   Applicant's arguments with respect to claims1, 2, 7, 9-10, 19-28, and 30-43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art ad are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.
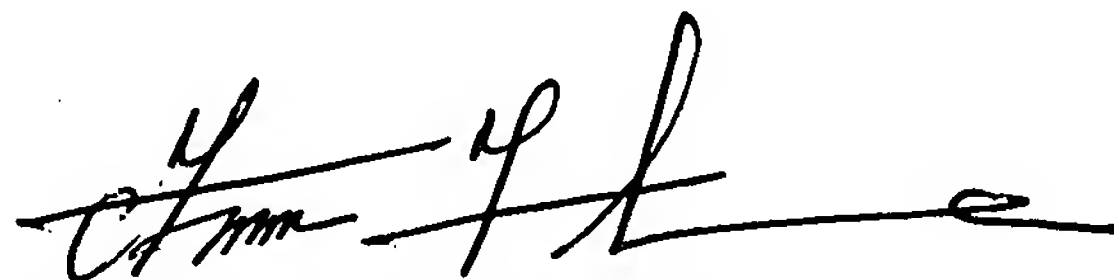
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272- 6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621

Acc
November 12, 2007.

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600